IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Appeal No.163 of 2007
In
Notice of Motion No.237 of 2007
In
Suit No.2165 of 2005

Kiduja Industries Limited. .. Appellants
(Org.Plaintiffs0

Vs.

Shri Surendra Laxman Raval & Ors. .. Respondents
(Org.Defendants)

And

M/s.Kotak Mahindra Investments Ltd. Respondent
(Org.Respondent)

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S/Shri Janak Dwarkadas, Senior Advocate with D.H.Mehta and Ms Bharti Bhada i/b M/s.S.Ashwinkumar & Co. for the appellants.

Shri S.C.Naidu i/b C.R.Naidu & Co. for the Respondent Nos.1 and 6.

Shri Kedar Wagle for the Respondent No.2.

Shri Sanjay Kadam i/b Kadam & Co. for the Respondent Nos.3 and 5.

S/Shri Virag Tulzapurkar, Senior Advocate, with Sandeep Parikh i/b India Law Alliance for the Respondent No.7.

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CORAM : R.M.S.KHANDEPARKAR &
D.G.KARNIK, JJ

DATED : 17TH APRIL, 2007

P.C.

. Heard. The impugned order is merely a modification of the earlier order dated 16th October, 2006 passed in the Notice of Motion No.3604 of 2006. The same was challenged and was not interfered in the appeal. We find that the modification of the impugned order is also in taking into consideration the interest of all the parties to the proceedings and does not warrant any interference in the appeal. The impugned order nowhere discloses adjudication of right of the parties in a suit for specific performance and as such no interference is warranted. The appeal is therefore rejected.

(R.M.S.KHANDEPARKAR, J)

(D.G.KARNIK, J)